

REMARKS

Claims 19-22 are pending in the application. Claims 1-18 have been canceled. Claims 19-22 are independent claims.

Embodiments of the Present Invention

One of the embodiments of the present invention is directed to a speech decoding apparatus according to code-excited linear prediction, wherein the speech decoding apparatus receives a coded speech including a gain code and synthesizes a speech. As shown in Fig. 8, a decoder 2 includes a gain decoder 16 for inputting gain code and for decoding a gain of a speech in a concerning decoding period based on the gain code input, and a noise level evaluator 26 for evaluating a noise level of the speech in the concerning decoding period by using the gain decoded by the gain decoder.

Further, as described in the specification with respect to Embodiment 4, control by a sampler 31 ("noise level controller" of the claimed invention) is not limited to a fixed value (two values).

Claim Rejections - 35 U.S.C. § 102

Claims 1-5, 11, 13, 15, and 17 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Nishiguchi et al. (USP 5,749,065). This rejection is respectfully traversed.

Claims 1-5, 11, 13, 15, and 17 have been canceled thus rendering this rejection moot.

The Examiner is respectfully requested to reconsider and withdraw this art grounds of rejection.

Claim Rejections - 35 U.S.C. § 103

(a) Claims 6-10, 12, and 14 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's admitted prior art (hereinafter referred to as "AAPA") in view of Kondo et al. (USP 5,867,815). This rejection is respectfully traversed.

Claims 6-10, 12, and 14 have been canceled thus rendering this rejection moot.

The Examiner is respectfully requested to reconsider and withdraw this art grounds of rejection.

(b) Claims 19-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Kondo in view of Applicant's admitted prior art (AAPA). This rejection is respectfully traversed.

Kondo discloses, in Fig. 5, an encoding apparatus in a speech transmission/reception system. The encoding apparatus includes a noise/nonvoice band discriminator 61 for determining whether a signal is noise or a nonvoice band. As clearly shown in Fig. 5, the noise/nonvoice band discriminator 61 makes the determination by

using an error signal. Kondo also discloses, in Fig. 6, a decoding apparatus in the system shown in Fig. 5.

The decoding apparatus of Kondo, however, does not evaluate "a noise level of the speech . . . by using the gain," as recited in claim 19. Accordingly, Kondo does not disclose or even suggest the "noise level evaluator" as recited in claim 19.

Further, in Kondo, the level ratio control 65 (corresponds to the "noise level controller" of the present invention), illustrated in Fig. 5, controls two values (two levels); i.e., speech level and background noise level. In the present invention, control by the sampler 31 (noise level controller) is not limited to a fixed value. In other words, Kondo does not change "a noise level of the time series vectors," as recited in claim 19. Accordingly, Kondo does not disclose or even suggest the "noise level controller" as recited in claim 19.

AAPA merely discloses a CELP decoder and does not evaluate "a noise level of the speech in the concerning decoding period by using the gain decoded by the gain decoder," as recited in claim 19. Accordingly, AAPA does not disclose or even suggest the "noise level evaluator" as recited in claim 19.

Further, AAPA does not change "a noise level of the time series vectors," as recited in claim 19. Accordingly, AAPA does not

disclose or even suggest the "noise level controller" as recited in claim 19.

Therefore, even assuming, *arguendo*, that Kondo and AAPA can be combined, Kondo in view of AAPA fails to disclose or even suggest the "noise level evaluator" and the "noise level controller" as recited in claim 19.

Claims 20-22 are also allowable at least for the similar reasons as stated in the foregoing with respect to claim 19.

The Examiner is respectfully requested to reconsider and withdraw this art grounds of rejection.

(c) Claims 16 and 18 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Iijima et al. (USP 5,828,996) in view of Kondo. This rejection is respectfully traversed.

Claims 16 and 18 have been canceled thus rendering this rejection moot.

The Examiner is respectfully requested to reconsider and withdraw this art grounds of rejection.

Drawings

Applicant appreciates the Examiner's approval of the proposed drawing corrections filed on November 12, 2002.

In response thereto, three (3) sheets of corrected formal drawings are being submitted with this Reply.

It is respectfully requested that these corrected formal drawings be approved and made a part of the record of the above-identified application.

Conclusion

Accordingly, in view of the above amendments and remarks, reconsideration of the rejections and objections, and allowance of the pending claims are earnestly solicited.

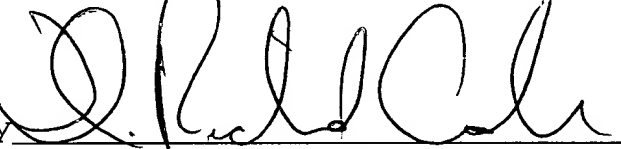
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Maki Hatsumi (Reg. No. 40,417) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a one (1) month extension of time for filing a reply in connection with the present application, and the required fee of \$110.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By 

D. Richard Anderson, #40,439

DRA/^{mh}MH:mh/pjh
2565-0198P

P.O. Box 747
Falls Church, VA 22040-0747
(703) 205-8000

Attachments: Three (3) sheets of corrected formal
drawings - Figs. 6, 7, and 8